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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,227

Applicant(s)

HELZERMAN, THOMAS HENRY

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed June 3, 2003.

Claims 1 and 21 have been amended.

Claims 28-33 have been added.

Claims 1-6 and 21-33 are pending. (In light of Applicant's amendment to claim 21, claims 1-6 and 21-33 have been rejoined.)

2. Applicant's amendment to the claims has overcome the previously pending rejection under 35 U.S.C. § 101.

Applicant's drawing corrections have been approved, thereby overcoming the pending objection to the drawings.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6 and 21-33 have been considered but are moot in view of the new ground(s) of rejection, which are necessitated by Applicant's amendment of the claims.

Claim Objections

4. Claim 29 is objected to because of the following informality:

Claim 29, last line, insert a period at the end of the line.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "said review of technology" in line 1 of claim 23. For examination purposes, "said review of technology" will be interpreted as "a review of technology."

Claims 24-27 are dependent from claim 23 and therefore inherit the same rejection under 35 U.S.C. § 112, 2nd paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ford Motor Company's Best Practice Replication (BPR) Process (which has been in existence since 1996), as disclosed in the following references:

"FGTI - Best Practice Replication Process (BPR) Web Site" (retrieved from <http://www.fordbetterideas.com/tc/main/featuredtech/best.htm> on August 22, 2003; states that "development is complete and implementation at Ford Motor Company began in 1996, page 2);

Anthes, "Defending Knowledge" (published February 16, 1998);

Anthes, "Learning How to Share" (published February 23, 1998);

"Ford Connecting to Consumers Via E-Business" (published September 15, 1999; states that the BPR program has been in effect since 1996, ¶ 23);

Dixon, "The Changing Face of Knowledge" (published 1999; describes Ford's Best Practice Replication system, which has been in existence since 1996).

BPR discloses a method for developing and performing a manufacturing project comprising the steps of:

[Claim 21] providing a communication mechanism for a plurality of users associated with the manufacturing project to efficiently communicate with each other ("Learning How to Share": ¶ 41);

providing a plurality of concept proposals ("Learning How to Share": ¶ 41);

providing a plurality of electronic concept proposal worksheets files, wherein each of the plurality of electronic concept worksheet proposal files defines a selected concept proposal ("Learning How to Share": ¶ 41 -- Since practice descriptions are entered via Ford's intranet Web site by various employers and the information is stored

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in an Oracle Corporation database, it is understood that the practice data is being entered into the equivalent of an electronic concept worksheet proposal file);

selectively communicating the plurality of electronic concept worksheet proposal files to a plurality of users of the communication mechanism ("Learning How to Share":

¶ 41);

modifying the electronic concept worksheet proposal files ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

entering the modified electronic concept worksheet proposal files into a proposal database ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

using the proposal database to generate at least one complete project proposal ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate parts of the company); and

implementing multiple applications of said technology in manufacturing operations by performing the substeps of

identifying a plurality of replication sites ("Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10),

developing a replication plan using the identified replication sites ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since

only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan),

developing a generic non-site specific workplan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan), and

revising the generic non-site specific workplan to include unique requirements for each replication site ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art

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would understand that a replication plan is inherently adapted to each site/facility adopting the plan);

prioritizing replication sites in accordance with a confirmed replication plan (“Learning How to Share”: ¶¶ 41-42 ; “Ford Connecting to Consumers Via E-Business”: ¶ 23; “The Changing Face of Knowledge”: ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan); and

performing a replication procedure in accordance with a confirmed replication plan (“Learning How to Share”: ¶¶ 41-42 ; “Ford Connecting to Consumers Via E-Business”: ¶ 23; “The Changing Face of Knowledge”: ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan).

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9. Claim 21 is rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. As discussed above, claim 21 is anticipated by Ford Motor Company's Best Practice Replication (BPR) Process (which has been in existence since 1996), as disclosed in the following references:

"FGTI - Best Practice Replication Process (BPR) Web Site" (retrieved from <http://www.fordbetterideas.com/tc/main/featuredtech/best.htm> on August 22, 2003; states that "development is complete and implementation at Ford Motor Company began in 1996, page 2);

Anthes, "Defending Knowledge" (published February 16, 1998);

Anthes, "Learning How to Share" (published February 23, 1998);

"Ford Connecting to Consumers Via E-Business" (published September 15, 1999; states that the BPR program has been in effect since 1996, ¶ 23);

Dixon, "The Changing Face of Knowledge" (published 1999; describes Ford's Best Practice Replication system, which has been in existence since 1996).

Ford Motor Company is the assignee of the present invention. Furthermore, the article, "Learning How to Share," states that "Ford recently licensed its BPR methodology to a major supplier" (¶ 43), thereby raising both an issue of public use and on-sale bar.

10. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention (especially claims 1-6 and 22-33) under 35 U.S.C. 102(b), additional information

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regarding this issue is required as follows: The Examiner requests more information regarding Ford Motor Company's (i.e., the assignee's) products/practices that are similar in nature to the claimed invention. For example, as addressed in the art rejection below, Ford Motor Company has been utilizing a web-enabled Best Practice Replication (BPR) Process since 1996. The article, "Learning How to Share," states that "Ford recently licensed its BPR methodology to a major supplier" (¶ 43), thereby raising both an issue of public use and on-sale bar. Please submit any articles, press releases, user manuals, etc. regarding the features of Ford's Best Practice Replication (BPR) Process. Furthermore, please explain the differences, if any, between Ford's Best Practice Replication (BPR) Process and the claimed invention. Also, Applicant should specify who invented Ford's Best Practice Replication (BPR) Process.

Additionally, the articles, "RealNetworks Announces RealSystem G2 for Corporate Intranets" and "Working on the Web," disclose the enhancement of Ford's Best Practice Replication (BPR) Process with the graphical and communication features of RealSystem G2 Intranet Solution; therefore, Examiner requests similar information regarding this enhanced version of Ford's Best Practice Replication (BPR) Process as well.

Applicant is reminded that response to this requirement for information should also include details concerning any relevant products, practices, etc. implemented by the assignee or the inventor of the present application.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

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Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-6 and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford Motor Company's Best Practice Replication (BPR) Process (which has been in existence since 1996), as disclosed in the following references:

"FGTI - Best Practice Replication Process (BPR) Web Site" (retrieved from <http://www.fordbetterideas.com/tc/main/featuredtech/best.htm> on August 22, 2003; states that "development is complete and implementation at Ford Motor Company began in 1996, page 2);

Anthes, "Defending Knowledge" (published February 16, 1998);

Anthes, "Learning How to Share" (published February 23, 1998);

"Ford Connecting to Consumers Via E-Business" (published September 15, 1999; states that the BPR program has been in effect since 1996, ¶ 23);

Dixon, "The Changing Face of Knowledge" (published 1999; describes Ford's Best Practice Replication system, which has been in existence since 1996), as applied to claim 21 (for claims 22-27) above.

BPR discloses a method for developing and performing a manufacturing project comprising the steps of:

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[Claim 1] providing a communication mechanism for a plurality of users associated with the manufacturing project to efficiently communicate with each other ("Learning How to Share": ¶ 41);

providing a plurality of electronic concept proposal worksheets files, wherein each of the plurality of electronic concept worksheet proposal files defines a selected concept proposal ("Learning How to Share": ¶ 41 -- Since practice descriptions are entered via Ford's intranet Web site by various employers and the information is stored in an Oracle Corporation database, it is understood that the practice data is being entered into the equivalent of an electronic concept worksheet proposal file);

selectively communicating the plurality of electronic concept worksheet proposal files to a plurality of users of the communication mechanism ("Learning How to Share": ¶ 41);

modifying the electronic concept worksheet proposal files ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

entering the modified electronic concept worksheet proposal files into a proposal database ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate part of the company);

using the proposal database to generate at least one complete project proposal ("Learning How to Share": ¶¶ 41-42 -- The best-practice proposals are filtered out from the submitted practices and sent to the most appropriate parts of the company);

developing a replication plan wherein the replication plan comprises the substeps of

identifying a plurality of replication sites ("Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10),

developing a replication plan using the identified replication sites ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan),

developing a generic non-site specific workplan ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan), and

revising the generic non-site specific workplan to include unique requirements for each replication site (“Learning How to Share”: ¶¶ 41-42 ; “Ford Connecting to Consumers Via E-Business”: ¶ 23; “The Changing Face of Knowledge”: ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan);

prioritizing replication sites in accordance with a confirmed replication plan (“Learning How to Share”: ¶¶ 41-42 ; “Ford Connecting to Consumers Via E-Business”: ¶ 23; “The Changing Face of Knowledge”: ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan); and

performing a replication procedure in accordance with a confirmed replication plan (“Learning How to Share”: ¶¶ 41-42 ; “Ford Connecting to Consumers Via E-Business”: ¶ 23; “The Changing Face of Knowledge”: ¶¶ 8-10 -- A proposed practice is

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created into a proposal that is distributed to the most appropriate parts of the company.

Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan.

Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan);

[Claim 2] assembling a workforce for performing said project ("FGTI - Best Practice Replication Process (BPR) Web Site": Page 1 -- BPR includes "Implementation Guidelines - A project management template used to govern the implementation of the process to each new community of practice at Ford. This guideline includes seven major tasks, 63 sub-tasks, timelines, and roles, which are completed prior to fully launching internal business partners");

[Claim 3] providing orientation and communication processes for said workforce ("FGTI - Best Practice Replication Process (BPR) Web Site": Page 1 -- Training is provided to the employees regarding use of the Best Practice Replication Process and implementation of the best practices);

providing career development and training processes for said workforce ("FGTI - Best Practice Replication Process (BPR) Web Site": Page 1 -- Training is provided to the employees regarding use of the Best Practice Replication Process and implementation of the best practices); and

[Claim 6] wherein said project is related to the manufacture of an automotive vehicle ("The Changing Face of Knowledge": ¶ 9).

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Regarding claims 1 and 5, while the concept of assessing the feasibility of a technology to manufacture a desired product is deemed to be inherent to Ford's Best Practice Replication Process, BPR fails to explicitly provide specific details of how such a feasibility is assessed. More specifically, BPR fails to explicitly teach the following steps:

performing a manufacturing concept ready procedure, effective to verify that said certain technology is capable of manufacturing said desired product under simulated conditions;

performing a manufacturing implementation procedure, effective to verify that said certain technology is functionally sound and meets certain quality and cost criteria; and

performing a replication procedure, effective to implement multiple applications of said certain technology within other manufacturing processes [Claim 1]; and

forming manufacturing technology committees; and

convening said committees on a regular basis to define effective strategies to advance global manufacturing competitiveness [Claim 5].

Nevertheless, Official Notice is taken that the simulation of a manufacturing process is old and well-known in the art of simulation. Simulations are well-known in the art as being useful for verifying the likely outcome and success or failure of a process before investing extensive amounts of money to physically perform a process that may or may not yield the otherwise expected results. Furthermore, by using

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simulations to test the feasibility of a technology, one is indeed evaluating the functional soundness of the technology for the manufacturing task at hand. As discussed above, BPR teaches the importance of sharing knowledge throughout a company for the purposes of replicating successful and feasible practices; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate the steps of performing a manufacturing concept ready procedure, effective to verify that said certain technology is capable of manufacturing said desired product under simulated conditions and performing a manufacturing implementation procedure, effective to verify that said certain technology is functionally sound and meets certain quality and cost criteria as part of Ford's Best Practice Replication Process in order to assist in verifying the likely outcome and success or failure of a manufacturing project before investing extensive amounts of money to physically perform a project that may or may not yield the otherwise expected results. Furthermore, Official Notice is taken that it is old and well-known in the art to form manufacturing technology committees that convene on a regular basis to define effective strategies to advance global manufacturing competitiveness. This process is commonly used to help keep a company's technology up-to-date and competitive with the market. Ford's Best Practice Replication Process is also utilized to make sure that Ford's automotive plants are taking advantage of the most effective manufacturing practices available; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with Ford's Best Practice Replication Process the steps of forming manufacturing technology

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committees and convening said committees on a regular basis to define effective strategies to advance global manufacturing competitiveness in order to help keep a company's technology up-to-date and competitive with the market.

As per claim 3, BPR does not expressly teach the step of providing reward and recognition processes for said workforce; however, Official Notice is taken that it is old and well-known in the art to provide reward and recognitions processes for a workforce. This practice encourages employees to be more productive and effective in meeting company goals. As a matter of fact, "The Changing Face of Knowledge" explains how Ford Motor Company keeps track of which plants are contributing suggested practice details (§ 10). More pressure is placed on plants with fewer suggestions to contribute some more suggested practices. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of providing reward and recognition processes for said workforce with Ford's Best Practice Replication (BPR) Process in order to encourage employees to be more productive and effective in meeting company goals, such as submitting and implementing (i.e., replicating) identified best practices.

As per claim 4, BPR does not explicitly teach the step of performing a procedure to establish logistic metrics pertaining to project performance and budgeting; however, Official Notice is taken that it is old and well-known in the art to establish logistic metrics pertaining to project performance and budgeting when implementing a project in a business. This helps to ensure that a business' project does not exceed the business' budget. BPR is also directed to controlling cost (see at least "Defending Knowledge": §

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1); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of performing a procedure to establish logistic metrics pertaining to project performance and budgeting in order to help ensure that a business' replication project does not exceed the business' budget.

As per claim 28, BPR teaches the steps of recommending the sequence of replicating within the identified replication sites and establishing an issues deck to document new data that would be useful for replication planning ("Learning How to Share": ¶¶ 41-42 ; "Ford Connecting to Consumers Via E-Business": ¶ 23; "The Changing Face of Knowledge": ¶¶ 8-10 -- A proposed practice is created into a proposal that is distributed to the most appropriate parts of the company. Since only select parts of the company are chosen, this implies that these chosen sites/facilities are given priority over others for implementation of a replication plan. Each specific site/facility then makes the final decision whether or not to implement the plan. Further, one of ordinary skill in the art would understand that a replication plan is inherently adapted to each site/facility adopting the plan); however, BPR does not expressly teach the step of describing unique local requirements for each identified replication site. Official Notice is taken that it is old and well-known in the art to take unique local requirements into account when considering implementation of a replication site. Such a practice is necessary to ensure that all proposed facilities remain in conformance with local laws and requirements. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

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implement with BPR the step of describing unique local requirements for each identified replication site in order to ensure that all proposed facilities remain in conformance with local laws and requirements.

As per claim 29, BPR teaches the development of a replication plan using identified sites (as discussed above); however, BPR does not expressly disclose the steps of establishing a replication team consisting of key technology developers and representatives from each of the replication sites, reviewing pilot application with potential replication customers, estimating human resources and skills required to replicate technology, developing directional estimates of other resources required for replication, and agreeing on roles and responsibilities between operations and manufacturing departments including project closure requirements. Official Notice is taken that it is old and well-known in the art to perform the steps of claim 29 when carrying out a project, such as replicating a practice in another plant/facility. These practices help to ensure that various teams of employees understand their roles in working toward a common goal, thereby helping to more efficiently implement a proposed and agreed-upon replication plan. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of establishing a replication team consisting of key technology developers and representatives from each of the replication sites, reviewing pilot application with potential replication customers, estimating human resources and skills required to replicate technology, developing directional estimates of other resources required for replication, and agreeing on roles and responsibilities

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between operations and manufacturing departments including project closure requirements in order to help ensure that various teams of employees understand their roles in working toward a common goal, thereby helping to more efficiently implement a proposed and agreed-upon replication plan.

As per claim 30, BPR teaches the confirmation of a replication plan (as discussed above); however, BPR does not expressly disclose the steps of confirming a business case, conditions and economic constraints, calculating a proposed project's plan tryout "time adjusted rate of return" ("TARR"), comparing the TARR to the manufacturer's TARR requirements, confirming effect of local requirements at each proposed replication site, identifying any economic constraints, estimating the effects of identified economic constraints upon the proposed replication plan, and summarizing the business case in terms of investment and total expected savings by a cost labor category and a materials category. Official Notice is taken that it is old and well-known in the art to carry out the steps of claim 30 with various types of proposed projects in order to determine the feasibility of implementing the proposed projects in light of a business' available resources and limitations. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of confirming a business case, conditions and economic constraints, calculating a proposed project's plan tryout "time adjusted rate of return" ("TARR"), comparing the TARR to the manufacturer's TARR requirements, confirming effect of local requirements at each proposed replication site, identifying any economic constraints, estimating the effects of identified economic

constraints upon the proposed replication plan, and summarizing the business case in terms of investment and total expected savings by a cost labor category and a materials category in order to determine the feasibility of implementing the proposed projects in light of a business' available resources and limitations.

As per claim 31, BPR teaches the step of prioritizing replication sites in accordance with a confirmed replication plan (as discussed above); however, BPR fails to expressly teach the step of developing a prioritized listing of replication sites using business conditions, cycle plans, and available vendor resources. Official Notice is taken that it is old and well-known in the art to consider business conditions, cycle plans, and available vendor resources when planning to replicate a business practice at a proposed facility in order to determine the feasibility of implementing such a business practice at the proposed facility. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the step of developing a prioritized listing of replication sites using business conditions, cycle plans, and available vendor resources in order to determine the feasibility of implementing such a business practice at the proposed replication site.

As per claim 32, BPR teaches the step of modifying the electronic concept worksheet proposal files (as discussed above); however, BPR fails to expressly teach the steps of finalizing project workplan information and refining estimate information for required resources and project benefits. Official Notice is taken that it is old and well-known in the art to perform the steps of finalizing project workplan information and refining estimate information for required resources and project benefits as part of

planning a project in order to accurately assess a company's ability to fund and implement a proposed project. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of finalizing project workplan information and refining estimate information for required resources and project benefits in order to accurately assess a company's ability to fund and implement a proposed project.

As per claim 33, BPR teaches the step of using the proposal database to generate at least one complete project proposal (as discussed above); however, BPR does not expressly teach the steps of submitting the modified electronic concept worksheet proposal files to an activity coordinator and comparing the modified electronic concept worksheet proposal files with timing rules, guidelines, and standards to ensure that the modified electronic concept worksheet proposal files meet associated timing rules, guidelines, and standards. Official Notice is taken that it is old and well-known in the art to perform the steps of submitting a concept proposal to an activity coordinator and comparing the proposal with timing rules, guidelines, and standards in order to ensure that the proposal is feasible and conforms to applicable laws and regulations. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of submitting the modified electronic concept worksheet proposal files to an activity coordinator and comparing the modified electronic concept worksheet proposal files with timing rules, guidelines, and standards in order to ensure that the proposal is feasible and conforms to applicable laws and regulations.

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Regarding claims 22-26, BPR is directed toward implementing a project associated with a replication plan; however, BPR does not expressly teach the steps of performing a milestone review meeting to insure that certain project issues have been accomplished after each step, wherein a review of technology includes identifying a best in class technology and a state-of-the-art technology; convening committees on a regular basis to assess best in class technologies and state-of-the-art technologies; establishing logistic metrics relating to project performance and budgeting by manufacturing wants; and conducting time and data management meetings. Official Notice is taken that it is old and well-known in the art to perform these steps when planning a project in order to determine the most effective and feasible means of implementing a project. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with BPR the steps of performing a milestone review meeting to insure that certain project issues have been accomplished after each step, wherein a review of technology includes identifying a best in class technology and a state-of-the-art technology; convening committees on a regular basis to assess best in class technologies and state-of-the-art technologies; establishing logistic metrics relating to project performance and budgeting by manufacturing wants; and conducting time and data management meetings in order to determine the most effective and feasible means of implementing a project.

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[Claim 27] BPR teaches that said manufacturing project relates to the production of an automotive vehicle ("The Changing Face of Knowledge": ¶ 9).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Sandoval et al. (US 2003/0004766 A1) -- Discloses a method for implementing a best practice idea (assigned to Ford Motor Company).

Papadakis et al. ("Inspection Decision Theory: Deming Inspection Criterion and Time-Adjusted Rate-of-Return Compared") -- Discloses the analysis of time-adjusted rate-of-return (TARR) to Ford manufacturing cases.

Coffman ("Nanothane Rest Blocks Improve Ford Quality") -- Discloses a 20% time-adjusted rate of return requirement by Ford on all money saving investments.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
August 25, 2003